

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Improving 911 Reliability*, PS Docket No. 13-75; *Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 11-60

Matters regarding reliable emergency communications are too important to be taken lightly or be handled in haste. Throughout this proceeding, I have been asking the Commission to think things through and do our best to get it right the first time. Unfortunately, we have not shown such necessary restraint. The philosophy seems to be act now, fix later.

Since releasing the initial 911 reliability order a little over a year and a half ago,¹ we have already issued a notice of proposed rulemaking (“2014 Notice”) seeking to build upon and expand the needlessly-burdensome requirements.² I dissented to both of these items and specifically expressed concern that, in adopting these reliability rules, we should not have “rushed forward without greater thought and effort.”³ And now we have today’s Order on Reconsideration clarifying aspects of the certification requirements adopted in the original order. Since the comment cycle for the 2014 Notice closed in the end of April,⁴ it will not be long before we are presented with yet another item to modify these rules.

Although the Commission should act as swiftly as possible, we cannot do so at the expense of quality and clarity. We must keep in mind that providers do not have infinite resources, they only have so many experts working on these issues, and they need time to meet the requirements under our rules. And, for industry to comply, these rules must be relatively stable, not stuck in a continuous cycle of being reconsidered or altered. Putting in place rules that are not fully cooked burdens providers, results in costs that are passed on to consumers, and hurts the Commission’s credibility.

Regardless, I can support today’s order, because the clarification provides necessary flexibility when it comes to certifying compliance with the 911 reliability requirements. By permitting entities to show that they have implemented “alternative measures” for any of the prescriptive certification elements (e.g., circuit diversity auditing and network monitoring), entities will be able to implement reliability measures tailored to their individual networks. This should promote innovation, adoption of NG911 capabilities and, most importantly, resilient emergency communications systems that will ensure that Americans can reach first responders in times of need.

¹ *Improving 911 Reliability, Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket Nos. 13-75, 11-60, Report and Order, 28 FCC Rcd 17476 (2013).

² *911 Governance and Accountability, Improving 911 Reliability*, PS Docket Nos. 14-193, 13-75, Policy Statement and Notice of Proposed Rulemaking, 29 FCC Rcd 14208 (2014).

³ *Id.* at 14265.

⁴ *911 Governance and Accountability, Improving 911 Reliability*, PS Docket Nos. 14-193, 13-75, Order, 30 FCC Rcd 2085 (2015) (extending the comment filing date to March 23, 2015 and the reply filing date to April 21, 2015).